UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity) *(Only for new nonprovisional applications under 37 CFR 1.53(b))*	Docket No. **FC-8-C3**
	Total Pages in this Submission **1502**

TO THE ASSISTANT COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

> **FLEA HEAD, NERVE CORD, HINDGUT AND MALPIGHIAN TUBULE NUCLEIC ACID MOLECULES, PROTEINS AND USES THEREOF**

and invented by:

> Kevin S. Brandt, Patrick J. Gaines, Dan T. Stinchcomb, Nancy Wisnewski

If a **CONTINUATION APPLICATION,** *check appropriate box and supply the requisite information:*

❑ **Continuation**   ❑ **Divisional**   ❑ **Continuation-in-part (CIP)**   of prior application No.: <u>60/319,414</u>

Which is a:

❑ **Continuation**   ❑ **Divisional**   ❑ **Continuation-in-part (CIP)**   of prior application No.: _____

Which is a:

❑ **Continuation**   ❑ **Divisional**   ❑ **Continuation-in-part (CIP)**   of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below

2. ☒ Specification having _____84_____ pages and including the following:

    a. ☒ Descriptive Title of the Invention

    b. ☒ Cross References to Related Applications *(if applicable)*

    c. ❑ Statement Regarding Federally-sponsored Research/Development *(if applicable)*

    d. ☒ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix

    e. ☒ Background of the Invention

    f. ☒ Brief Summary of the Invention

    g. ❑ Brief Description of the Drawings *(if filed)*

    h. ☒ Detailed Description

    i. ☒ Claim(s) as Classified Below

    j. ☒ Abstract of the Disclosure

Application Elements (Continued)

3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*

    a. ☐ Formal ·   Number of Sheets   _____

    b. ☐ Informal   Number of Sheets   _____

4. ☒ Oath or Declaration

    a. ☒ Newly executed *(original or copy)*   ☐ Unexecuted

    b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*

    c. ☒ With Power of Attorney   ☐ Without Power of Attorney

    d. ☐ *DELETION OF INVENTOR(S)*
        Signed statement attached deleting inventor(s) named in the prior application,
        see 37 C.F.R. 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
    The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)

7. ☐ Application Data Sheet (See 37 CFR 1.76)

8. ☒ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*

    a. ☐ Computer Readable Form (CFR)

    b. ☒ Specification Sequence Listing on:

         i. ☒ CD-ROM or CD-R (2 copies); or

         ii. ☒ Paper

> Applicants assert pursuant to 37 CFR §1.821(f) that the content of the paper copy and computer readable form of SEQ ID NO:1 through SEQ ID NO:2313 submitted herewith are the same.

    c. ☒ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure Statement/PTO-1449   ☐ Copies of IDS Citations

13. ☐ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☒ Certificate of Mailing

     ☐ First Class   ☒ Express Mail *(Specify Label No.):*   EV 322825317 US

| UTILITY PATENT APPLICATION TRANSMITTAL | Docket No. |
| | FC-8-C3 |

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Accompanying Application Parts (Continued)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

    ☒ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: one

18. ☐ Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

P01USML/REV06

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<tr><td colspan="2">UTILITY PATENT APPLICATION TRANSMITTAL
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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate		Fee
Total Claims	20	- 20 =	0	x	$9.00	$0.00
Indep. Claims	3	- 3 =	0	x	$42.00	$0.00
Multiple Dependent Claims (check if applicable) ☐						$0.00
					BASIC FEE	$375.00
OTHER FEE *(specify purpose)*						$0.00
					TOTAL FILING FEE	$375.00

☐ A check in the amount of   to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No.   081930
as described below. A duplicate copy of this sheet is enclosed.

    ☒ Charge the amount of   **$375.00**   as filing fee.

    ☒ Credit any overpayment.

    ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

    ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance,
         pursuant to 37 C.F.R. 1.311(b).

Dated: **July 17, 2003**

Signature

Timothy L. McCutcheon, Esq., Regis. No. 41,184
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525
Telephone: (970) 493-7272
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26949

PATENT TRADEMARK OFFICE

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 C.F.R. 1.10)

Docket No.:   FC-8-C3
Applicants: Kevin S. Brandt, Patrick J. Gaines, Dan T. Stinchcomb, Nancy Wisnewski
Serial No: not yet assigned
Filing Date: July 17, 2003

I hereby certify that the following correspondence:

     Utility Patent Application Transmittal (Small Entity); copy of page 4 of Utility Patent Application Transmittal (Small Entity); 84 pages of specification, claims and abstract; 1407 pages of Sequence Listing; CD containing SEQ ID NO:1 through SEQ ID NO:2313; Declaration and Power of Attorney for Patent Application; Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) AND 1.27(c)) - Small Business Concern;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

_____*17 July 2003*_____.

                           Susan A. Gordon
By: Susan A. Gordon

              _EV 322825317 US_____
              ("Express Mail" Mailing Label Number)